

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

KEVIN BABCOCK,

Petitioner,

vs.

BRENT FLUKE, Warden; MARTY JACKLEY,
The Attorney General of the State of South
Dakota,

Respondents.

5:23-CV-05076-RAL

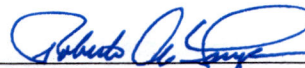
JUDGMENT OF DISMISSAL WITHOUT
PREJUDICE

Petitioner Kevin Babcock filed an incomplete petition for writ of habeas corpus under 28 U.S.C. § 2254. Doc. 1. Babcock filed a motion to proceed without prepayment of fees and declaration, Doc. 3, but he did not submit a certified prisoner trust account report. This Court directed the Clerk of Court to send Babcock a blank § 2254 petition and prisoner trust account report and ordered Babcock to return the completed forms no later than January 2, 2024. Doc. 5. The Court cautioned Babcock that if he did not return the completed forms, his noncompliance may result in the dismissal of his petition without prejudice. Id. Babcock has not filed a completed § 2254 petition nor a completed prisoner trust account report. Thus, it is hereby

ORDERED, ADJUDGED, AND DECREED that Babcock's § 2254 petition for writ of habeas corpus is dismissed without prejudice and judgment of dismissal hereby enters under Rules 54 and 58 of the Federal Rules of Civil Procedure.

DATED this 17th day of January, 2024.

BY THE COURT:



ROBERTO A. LANGE
CHIEF JUDGE